

REMARKS / DISCUSSION OF ISSUES

In the non-final Office action dated August 20, 2009, claims 1-9 are pending in the application. Claims 1 and 9 are independent.

By this response, claims 1-3, 5, 7, and 9 are amended for non-statutory reasons, for example, to clarify the subject matter and to correct typographical errors. Claims 10-12 are newly added. No new subject matter is added.

Abstract

The Office action objects to the specification, alleging that the Abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4).

The Applicants enclose herewith a Replacement Abstract on a separate sheet in accordance with 37 CFR 1.52(b)(4). No new subject matter is added. Accordingly, the Applicants respectfully request the withdrawal of the objection to the Abstract.

Claims Objections

The Office action objects to claims 5 and 9 because of informalities.

Claims 5 and 9 have been amended in accordance with the Examiner's comments. As such, the Applicants respectfully request the withdrawal of these objections.

35 U.S.C. § 112

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claim 7 has been amended in accordance with the Examiner's comments. As such, the Applicants respectfully request the withdrawal of this rejection.

35 U.S.C. § 102

Claims 1-7 and 9 stand rejected under U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent 5,949,776 to Mahany et al. (hereinafter referred to as "Mahany"). The Applicants respectfully submit that for at least the following reasons, Mahany does not anticipate claims 1-7 and 9.

In order for a reference to anticipate a claim, MPEP 2131 requires the reference to teach every element of the claim. It is respectfully submitted that Mahany does not teach every element of the Applicants' claim 1, and therefore does not support a prima facie case of anticipation.

The Applicants' claim 1 includes, in part, the features of,

generating a second identifier by said first station, the second identifier different from the identifier associated with the Access Point. (Emphasis added).

The Applicants have considered Mahany in its entirety and respectfully submit that Mahany's disclosure is completely different from claim 1.

Mahany relates to a hierarchical communication system in which wireless local area networks (LANs) exhibiting substantially different characteristics are employed in an overall scheme to link portable or mobile computing devices. (Abstract). The Office action cites Mahany at Figs. 1a-c and associated text, col. 5 lines 54-63, col. 9 lines 33-58, and col. 16, lines 14-32 as allegedly anticipating the above-mentioned features of the Applicants' claim 1. More specifically, the Office action alleges that the cited portions of Mahany disclose a particular first station's desire to connect to another station other than the access point (AP), the first station includes the address (hence alleges that it includes an identifier) of the second station that it is trying to connect to and sends this information to the AP as to establish the connection. However, the Mahany's disclosure for connecting devices in a communication system is completely different from the Applicants' method.

Unlike the Applicants' method, in which the second identifier is generated by the first station, the second identifier different from the identifier associated

with the Access Point, Mahany's method is completely different. Mahany at col. 16 lines 8-15 discloses the Access Interval begins with a SYNC header. Included in the SYNC header is an address of the control point device. The Office action on page 4 appears to suggest that Mahany's address of the control point device is the same as the claimed identifier. However, Mahany at col. 16 line 14 clearly indicates that the address is "of the Control Point device." At col. 13 lines 36-37, Mahany defines "the Control Point device is generally the base station." (Emphasis added). As such, Mahany is completely different from the Applicants' claimed invention because claim 1 requires that the second identifier is different from the identifier associated with the Access Point, whereas Mahany's address is of the Control Point (i.e. the base station, see col. 16 line 14 and col. 13 lines 36-37). Because Mahany does not disclose generating a second identifier by said first station, the second identifier different from the identifier associated with the Access Point, Mahany does not anticipate the Applicants' claim 1.

Furthermore, the Applicants' claim 1 requires, "generating a second identifier by said first station." (Emphasis added). The Office action alleges that this feature of claim 1 is anticipated by Mahany's address of the control point device, which is included in the SYNC header (see col. 16 lines 8-15). However, Mahany at col. 13 lines 33-35 and also at col. 16 lines 10-11 clearly teaches that the SYNC header is "generated by the Control Point." This is completely different from claim 1, which distinguishes the first station from the Access Point, and requires that the second identifier is generated by the first station. As such, for this additional reason, Mahany does not anticipate the Applicants' claim 1.

Because Mahany does not disclose all limitations in the claim, the Applicants respectfully submit that Mahany does not support a prima facie case of anticipation and as such, the rejection to independent claim 1 under 35 U.S.C. 102(b) is unfounded as per MPEP 2131 and should be withdrawn.

The Office action uses substantially the same arguments as set forth with regard to claim 1, alleging that independent claim 9 is anticipated by Mahany. However, independent claim 9 is different from claim 1.

For example, claim 9 is directed to an access point controlled wireless network, whereas claim 1 is directed to a method. Claim 9 also includes, in part, the features of “*said first station generates a second identifier, the second identifier different from the identifier associated with the access point.*” (Emphasis added).

The Applicants essentially repeat the above arguments for claim 1 and apply them to the specific features recited in independent claim 9. As such, the Applicants respectfully submit that claim 9 is not anticipated by Mahany and respectfully requests the withdrawal of the rejection.

Dependent claims 2-7 ultimately depend from and incorporate by reference all the features of allowable claim 1. Furthermore, each dependent claim includes additional distinguishing features. For each dependent claim, the Applicants essentially repeat the above arguments from claim 1 and apply them to each respective dependent claim. Thus, the Applicants respectfully submit that dependent claims 2-7 are allowable at least by virtue of their dependency on an allowable parent claim and respectfully request the withdrawal of the rejection to these claims.

35 U.S.C. § 103

Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mahany in view of U.S. Patent 6,483,852 to Jacquet et al. (hereinafter “Jacquet”). The Applicants respectfully traverse this rejection.

Dependent claim 8 depends from and inherits all of the features of allowable base claim 1. Jacquet does not cure the deficiencies as noted above with respect to claim 1 and Mahany. Thus, claim 8 is patentable for at least the same reasons discussed above with respect to base claim 1, upon which it depends, with claim 8 containing further distinguishing patentable features.

It is respectfully submitted that the rejection under 35 U.S.C. § 103(a) have been overcome.

Conclusion

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance.

If there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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